

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**JOHN GARLAND, individually, and)
on behalf of all others similarly situated,)**

v.)

No. 09-1067-STA-egb

**WAL-MART STORES, INC.,)
BANK OF AMERICA NATIONAL)
TRUST AND SAVINGS)
ASSOCIATION,)**

Defendants.)

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is Defendant Wal-Mart Stores, Inc.’s Motion to Strike (D.E. # 13), filed on May 14, 2009. On September 1, 2009, the Magistrate Judge recommended that Defendant’s Motion be granted. Plaintiff has filed no objections to the Magistrate Judge’s Report and Recommendation within the time permitted. Having reviewed the Magistrate Judge’s report and recommendation de novo, and the entire record of the proceeding, the Court hereby **ADOPTS** the Magistrate Judge’s report and **GRANTS** Defendant’s Motion to Strike.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: September 30, 2009